



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,300	09/29/1999	THOMAS CONNELLY	P/2167-101	5170

7590 02/25/2004

STEVEN I. WEISBURD, ESQ.  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICAS - 41st FLOOR  
NEW YORK, NY 10036-2714

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 02/25/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/409,300

Applicant(s)

CONNELLY, THOMAS

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/18/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_

### DETAILED ACTION

1. Claims 1-76 are presented for examination. This action is in response to the amendment filed 12/18/2004.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 17, 19, 20, 23, 28-34, 36-42, 44, 45, 46, 59, 60, 63, 68-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792).
3. As to claim 1, Hall teaches the invention substantially as claimed including a message (MINE message 302, col 5, ln 59-67 to col 6, ln 1-30), a first application, second application (client 300, col 5, ln 59-67), a transport infrastructure (first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-30), a first service (a first format/ address according to format I, col 3, ln 40-67), the first set of parameter (a tunnel-to attribure/ recipient e-mail address, col 5, ln 59-67 to col 6, ln 1-30), a first directory (directory 304, col 5, ln 59-67 to col 6, ln 1-30), second application( local or remote, col 3, ln 40-67/ a first destination client, col 8, ln 35-60).
4. Hall does not teach the term a first service identifier associated with the second application. However, Gerety teaches a first service identifier associated with the second

Art Unit: 2126

application (the tool class field 114, indicates the type of tool the message is destined for, col 7, ln 49-54/ 25-33)

5. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Hall and Gerety because Gerety's type of tool the message is destined for would select the recipient software tools for transferring the message.

6. **As to claim 2**, Hall teaches the second application (local or remote, col 3, ln 40-67/ a first destination client, col 8, ln 35-60/ system, col 7, ln 1-29), the message (message 316, col 7, ln 1-29), a second set of parameters (the SNADS message 316 recipient is local, col 7, ln 13-29), a second directory (SNADS directory 328, col 7, ln 1-19), the transport infrastructure (SNADS network 308), the second service identifier (the address resolution program 326 to determine if the SNADS message 316 recipient is local from accessing SNADS directory( col 7, ln 1-29).

7. **As to claim 4**, Hall does not teach the message is conveyed asynchronously. However, Gerety teach asynchronously (asynchronous transmission, col 10, ln 35-47).

8. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Hall and Gerety because Gerety's asynchronously would make the application independent messaging system more consistent.

9. **As to claim 17**, Hall teaches routing information with respect to the second application (a SNADS recipient e-mail address, col 5, ln 59-67).

Art Unit: 2126

10. **As to claim 19**, Hall teaches the first directory (directory 302, col 5, ln 53-67), a plurality of set of parameters (a SNADS recipient e-mail address, col 5, ln 53-67), the first service identifier (address resolution program 306, col 5, ln 59-67).

11. **As to claim 20**, Hall teaches the message prior (first message, col 8, ln 40-67), the second application (first destination client, col 8, ln 40-67).

12. **As to claim 23**, Hall teaches a control block (object distribution control block (ODCB 320, col 6, ln 31-41/ Fig. 7).

13. **As to claim 28, 29, 30, 31**. Hall teaches first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-30), message (MINE message 302, col 5, ln 59-67 to col 6, ln 1-30).

14. Hall does not teach conveying the message to an intermediate Message Processing Server (MPS). However, Gerety teaches conveying the message to an intermediate Message Processing Server (MPS) (message server, col 6, ln 5-26, ln 55-67/col 10, ln 15-67).

15. It would have been obvious to one of the ordinary skill in the art at the time invention was made to combine the teaching of Hall and Gerety because Gerety's "conveying the message to an intermediate Message Processing Server (MPS)" would provides a program or functions to ensure that a tool is available to service every request from another tool.

16. **As to the method of claim 32**, refer to the rejection of claim 2. In additional, Gerety teaches the MSP (message server, col 6, ln 5-26, ln 55-67/col 10, ln 15-67).

17. **As to the method of claim 33**, refer to the rejection of claim 1. In additional, Gerety the MSP teaches (message server, col 6, ln 5-26, ln 55-67/col 10, ln 15-67).

**18. As to claim 34,** Hall teaches reformatting message (de-encapsulating said encapsulate message, col 9, ln 13-24).

**19. As to claim 36,** Hall teaches the first application/the second application/ a third application (local or remote, col 3, ln 40-67/ a first destination client, col 8, ln 35-60/ system, col 7, ln 1-29 / client 300, col 5, ln 59-67),, the message (message 316, col 7, ln 1-29), a transport infrastructure (first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-3. Gerety teaches the MSP (message server, col 6, ln 5-26, ln 55-67/col 10, ln 15-67).

**20. As to claim 37, 38,** they are apparatus claims of claims 1 and 2; therefore they are rejected for the same reasons as claims 1 and 2 above.

**21. As to claim 39,** Hall teaches the routing of the message is determined based on the content of the message (an address resolution procedure, recognizing this message ... is local or remote, col 3, ln 40-80).

**22. As to claim 40,** it is an apparatus claim of claims 1, 2; therefore, they are rejected see the rejection for the same reason as claims 1 and 2 above.

**23. As to claim 41,** it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In addition, Gerety teach message server (col 6, ln 5-26, ln 55-67/col 10, ln 15-67), a software tool is not in operation for servicing (col 15, ln 40-45).

**24. As to claim 42,** it is an apparatus claim of claim 2; therefore , it is rejected for the same reason of claim 2 above. Additional, Gerety teaches the sending module ( message server , col 6, ln 5-26, ln 55-67/col 10, ln 15-67),

Art Unit: 2126

**25. As to claim 44**, it is an apparatus claim of claim 4; therefore, it is rejected for the same reason as claim 4 above.

**26. As to claim 45**, Hall teaches set of parameter (a tunneling attribute, col 3, ln 40-47), the first directory (a directory, col 3, ln 40-47).

**27. As to claim 46**, Hall does not teach default parameters. However, Gerety teaches default parameters (default ... relating to each software tool in the system (col 11, ln 30-38).

**28. As to claim 59**, it is an apparatus claim of claim 17; therefore, it is rejected for the same reason as claim 17 above.

**29. As to claim 60**, Gerety teaches the archive module that archives the message (messages sent to the message server. The message server selectively forwards each message (col 6, ln 5-14).

**30. As to claims 63, 68, 69, 70, 71, 73** they are apparatus claims of claims 23, 28, 29, 30, 31, 39; therefore they are rejected for the same reasons as claims 23, 28, 29, 30, 31, 39 above.

**31. As to claim 72**, it is an apparatus claim of claim 41; therefore it is rejected for the same reason as claims 41 above. In additional, refer to the rejection of claim 41. In additional, Gerety teaches a receiving module (execution manager, col 11, ln 11-67).

**32. As to claim 74**, it is an apparatus claim of claim 43; therefore, it is rejected for the same reason as claim 34 above. Further, Hall does not teach reformatting engine contained in the MPS. However, Gerety teaches reformatting engine contained in the MPS(the message server acts as a filtering, col 11, ln 1-9).

Art Unit: 2126

33. As to claim 75, 76, they are apparatus claims of claims 35, 41, 42; therefore, they are rejected for the same reasons as claims 35, 41, 42 above.

34. Claims 3, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) and further in view of IBM (Shared directory).

35. As to claim 3, Hall and Gerety do not teach the first directory is the second directory. However, IBM teaches the first directory is the second directory (directory 1 is used for various data processing system operations, page 1).

36. It would have been obvious to one of the ordinary skill in the art at time the invention was made to combine the teaching Hall, Gerety and IBM because the IBM' directory would make the application independent messaging system more consistent.

37. As to claim 43, it is an apparatus claim of claim 3, it is rejected for the same reason as claim 3 above.

38. Claims 5-16, 18, 35, 47-52, 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) and further in view of Garcia et al (US. Patent 6,470,357 B1).

39. As to claim 5, Hall teaches the first directory (directory 304, fig. 5).

40. Hall, Gerety do not teach updating the first directory. However, Garcia teaches updating the first directory (update an EDS database 123, col 5, ln 20-67).



41. It would have been obvious to one of the ordinary skill in the art at time invention was made to combine teaching of Hall, Gerety and Garcia because Garcia's update an EDS database

43. would retrieve information from directory services such that the application does not need to track and monitor the information about the requested application.

44. **As to claim 6**, Hall does not explicit teach the term a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application/ a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application. However, Garcia teaches the term a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application/ a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application (the EDS API 420 writes the update entry into the ESD database 302 and automatically into the EDS database 304,...the EDS API 410 loads a new copy of the EDS database 304 into the local directory service 421, col 7, ln 1-35, Fig. 4).

45. It would have been obvious to one of the ordinary skill in the art at time invent was made to combine teaching of Hall, Gerety and Garcia because Garcia's "the EDS API 420 writes the update entry into the ESD database 302 and automatically into the EDS database 304,...the EDS API 410 loads a new copy of the EDS database 304 into the local directory service 42"would provide enhanced directory Service to retrieve message routing information, including CMIP routing information from a database or a directory file without maintaining routing and characteristic information for each target application.

Art Unit: 2126

46. **As to claims 7-16**, Garcia teaches the a change in location, a change in platform, a change in default setting, a change in the desired operation of the transport infrastructure, a change with respect to the transport infrastructure, a change in priority of message, change in a physical configuration, a interface, a software component, message routing (change in application entity tiles, the location of TMN application in network, parameters. ...(Col 4, ln 1-15).

47. **As to claim 18**, Garcia teaches the first service identifier to perform a loop-up (the message server traverses the pattern tree only one to identify all tolls, which have requested the received message, col 9, ln 1-61).

48. **As to claims 35, 47-52 and 54-58**, they are apparatus claims of claims 8, 5, 7, 9, 10, 6, 13- 16, therefore, they are rejected for the same reasons as claims 8, 5, 7, 9, 10, 6, 13- 16, above.

49. **Claims 21- 22 and 61- 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al ( US. Patent 5,212, 792) and further in view of Hirachi (Track circuit system used in train detector an train operation control system- has controller that detects location of train based on input signal of transceivers arranged on every area unit of track.

50. **As to claim 21,22**, Hall, Gerety do not teach tracing a message, reconciling message. However, Hirachi teaches tracing a message, reconciling message (message can be adjusted, track circuit, page 2).

Art Unit: 2126

51. It would have been obvious to one of the ordinary skill in the art at time invent was made to combine teaching of Hall, Gerety and Hirachi because Hirachi's "message can be adjusted, track circuit" would control system-detecting location of message.

52. As to claim 61, 62 they are an apparatus claims of claims 21 and 22; therefore, they are rejected for the same reasons as claims 21 and 22 above.

53. Claims 24, 25, 64, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) and further in view of OTA Michihiko (Message communication system).

54. As to claims 24, 25. Hall, Gerety do not explicit teach control block, a flag, a logical unit of Work, a persistence setting. However, Michihiko teaches control block, a flag, a logical unit of Work, a persistence setting (control block, a flag, a logical unit of Work, a persistence setting, control block TCB3, a buffer, flag, flag 1-1 kept turned on, Page 1).

55. It would have been obvious to one of the ordinary skill in the art at time invention was made to combine the teaching of Hall, Gerety and Michihiko because the Michihiko's "control block, a flag, a logical unit of Work, a persistence setting, control block TCB3, a buffer, flag, flag 1-1 kept turned on" would make the application independent messaging system more consistent.

56. As to claims 64 -65, they are apparatus claims of claims 24, 25; therefore, they are rejected for the same reasons as claims 24, 25 above.

57. Claims **26, 53, 66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) and further in view of Fukarsu Sadao et al (communication system between processes).

58. **As to claim 26**, Hall , Gerety do not teach a priority of message indication being contained in the control block. However, Sadao teaches a priority of message indication being contained in the control block (a packet entry of control block has priority for transferring a process, Page 1).

59. It would have been obvious to one of the ordinary skill in the art at time invention was made to combine the teaching Hall, Gerety and Sadao because the Sadao's a packet entry of control block has priority for transferring a process" would make the application independent messaging system more consistent.

60. **As to claims 53, 66**, they are apparatus claims of claim 26; therefore, they are rejected for the same reasons as claim 26 above.

61. Claims **27, 67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) and further in view of Toshiba (Information processor e.g. personal computer (PC) - has message display unit which displays message stored in help table corresponding to indicated button, when event process unit detects that there is indication to button selected to override).

62. **As to claim 27**, Hall and Gerety do not teach override parameter. However, Toshiba teaches override parameter (the message about the reason for selection to override, page 1).

Art Unit: 2126

63. It would have been obvious to one of the ordinary skill in the art at time invention was made to combine the teaching Hall, Gerety and Toshiba because Toshiba's "the message about the reason for selection to override" a packet entry of control block has priority for transferring a process" make the application independent messaging system more consistent.

64. As to claim 67, it is an apparatus claim of claim 27; therefore, it is rejected as the same reason as claims 27 above.

#### **Response to the argument**

65. Applicant amendment filed on 12/18/2003 have been considered but they are not persuasive.

66. In the remarks, applicant argued in substance that (1) "there is no forwarded to the tools that have requested message of particular type. There is no indication in the message whatsoever as to the destination of the message".

67. Examiner respectfully traverses applicant's remarks: As to the point (1), Gerety teaches the tool class field 114, indicates the type of tool the message is destined for / the tool class field indicated a destination toll (col 7, ln 49-54/ 25-33 ). The types of tools are destination.

68.

#### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

February 20, 2004

  
**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**